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MINUTES OF COUNCIL REGULAR MEETING – JULY 22, 2008

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THE CITY COUNCIL MET IN REGULAR SESSION ON TUESDAY, JULY 22, 2008, AT 6:30 P.M., IN THE COUNCIL CHAMBERS, WEST VALLEY CITY HALL, 3600 CONSTITUTION BOULEVARD, WEST VALLEY CITY, UTAH. THE MEETING WAS CALLED TO ORDER BY TEMPORARY MAYOR PRO TEM BURT.

THE FOLLOWING MEMBERS WERE PRESENT:

Carolynn Burt
Joel Coleman
Corey Rushton
Steve Vincent

Wayne Pyle, City Manager
Sheri McKendrick, City Recorder

ABSENT: Dennis J. Nordfelt
Russ Brooks
Mike Winder

STAFF PRESENT:

Paul Isaac, Assistant City Manager
Jim Welch, Finance Director
Kevin Astill, Parks and Recreation Director
Joseph Moore, CED Director
Russell Willardson, Public Works Director
John Evans, Fire Chief
Layne Morris, Community Preservation Director
Mike Wells, Acting Police Chief
Nicole Cottle, Acting City Attorney
Aaron Crim, Administration
Craig Thomas, Administration
Jake Arslanian, Public Works Department

14141 OPENING CEREMONY

The Opening Ceremony was conducted by Joel Coleman who led the Pledge of Allegiance to the Flag.

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14142 **APPROVAL OF MINUTES OF REGULAR MEETING HELD JULY 8, 2008**

The Council read and considered the Minutes of the Regular Meeting held July 8, 2008. There were no changes, corrections or deletions.

After discussion, Councilmember Vincent moved to approve the Minutes of the Regular Meeting held July 8, 2008, as written. Councilmember Coleman seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Coleman	Yes
Mr. Rushton	Yes
Temporary Mayor Pro Tem Burt	Yes

Unanimous.

14143 **PROCLAMATION DECLARING AUGUST AS “NEIGHBORHOOD NIGHTS” MONTH AND AUGUST 5, 2008, AS “NATIONAL NIGHT OUT 2008” IN WEST VALLEY CITY**

Councilmember Coleman read a Proclamation declaring August as “Neighborhood Nights” month and August 5, 2008, as “National Night Out 2008” in West Valley City.

14144 **COMMENT PERIOD**

Upon inquiry by Temporary Mayor Pro Tem Burt, the following individuals addressed the City Council during the Comment Period:

Bill Walters, Triple Crown Sports, addressed the City Council. Mr. Walters stated he had previously addressed the City Council regarding their girls’ softball tournament, which tournament was in the second of three weeks in West Valley City. He also stated the teams enjoyed playing at Centennial Park, but there were upgrades needed in the future. He expressed desire to be a long term partner with the City. He presented a plaque to the Temporary Mayor Pro Tem in appreciation of their inaugural event. Mr. Walters indicated they looked forward to future events in the City and again expressed appreciation to the Council and City staff.

Upon discussion, members of the City Council thanked Mr. Walters and thanked him and the organizers of the tournament.

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14145 **RESOLUTION NO. 08-206, APPROVE COOPERATIVE AGREEMENT WITH THE UTAH DEPARTMENT OF TRANSPORTATION FOR DESIGN OF THE CROSTOWNE TRAIL PROJECT IDENTIFIED AS CM-LC35(158)**

City Manager, Wayne Pyle, presented proposed Resolution No. 08-206 which would approve a Cooperative Agreement with the Utah Department of Transportation (UDOT) in an amount not to exceed \$3,885.00 for design of the Crosstowne Trail Project identified as CM-LC35(158).

Mr. Pyle stated West Valley City had applied for a MCAQ Grant for the Crosstowne Trail Project in 2003. He also stated the grant had been approved and placed on the UDOT Statewide Transportation Improvement Program list (STIP). He indicated the agreement covered UDOT's and West Valley City's design roles, funding for the project, procedures, and approvals for various items of work in getting the project ready to bid. He informed that when signed, all design and engineering work performed by the City could be used as an in-kind match.

The City Manager reiterated a MCAQ grant had been submitted in 2003 for a trail project that would extend the Crosstowne Trail from its current terminus at Decker Lake up and over the Parkway Boulevard/I-215 overpass to 2700 West. He stated the grant had been approved and placed on UDOT's STIP list. He informed the list was a five year project list so the trail had been scheduled for funding in 2008. He indicated these were federal funds administered by UDOT.

Mr. Pyle stated the interlocal agreement allowed the design and other work to proceed with the project to be bid and started.

After discussion, Councilmember Vincent moved to approve Resolution No. 08-206, a Resolution Authorizing the Execution of a Cooperative Agreement between West Valley City and the Utah Department of Transportation for Design of the Crosstowne Trail Project Identified as CM-LC35(158). Councilmember Coleman seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Coleman	Yes
Mr. Rushton	Yes
Temporary Mayor Pro Tem Burt	Yes

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Unanimous.

Councilmember Vincent discussed the trail walks sponsored this summer by the Parks and Recreation Department. In addition, he related comments and suggestions from participants for consideration next year.

14146 **RESOLUTION NO. 08-210, APPROVE THE PURCHASE OF A 2008
MODEL 7400 SBA 4x2 SINGLE AXLE DUMP TRUCK FROM LAKE
CITY TRUCKS, LLC, FOR USE BY THE PUBLIC WORKS
DEPARTMENT OPERATIONS DIVISION**

City Manager, Wayne Pyle, presented proposed Resolution No. 08-210 which would approve the purchase of a 2008 model 7400 SBA 4x2 single axle dump truck in an amount not to exceed \$125,793.00, for use by the Public Works Department Operations Division.

Mr. Pyle stated the purchase would include the bed, plow and hydraulics. He advised Lake City Trucks, LLC, held the State contract to supply the vehicle to meet departmental needs. He indicated the Fleet manager and Department Head had determined the subject vehicle would be the most efficient vehicle for its intended purpose.

The City Manager indicated the proposed purchase had been included and approved in the Tentative FY 2008-2009 budget for the two new operators in the Operations Division. He advised the truck would be used for snow plowing, asphalt maintenance, and other responsibilities.

After discussion, Councilmember Rushton moved to approve Resolution No. 08-210, a Resolution Approving the Purchase of a 2008 Model 7400 SBA 4x2 Single Axle Dump Truck from Lake City Trucks, LLC, for use by the Public Works Department Operations Division. Councilmember Vincent seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Coleman	Yes
Mr. Rushton	Yes
Temporary Mayor Pro Tem Burt	Yes

Unanimous.

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RESOLUTION NO. 08-211, APPROVE AN AGREEMENT WITH J-U-B ENGINEERS, INC. FOR THE COLLECTION OF TRAFFIC DATA AT THE INTERSECTIONS OF BANGERTER HIGHWAY AND 2400 SOUTH AND 2400 SOUTH AND LINKS DRIVE

City Manager, Wayne Pyle, presented proposed Resolution No. 08-211 which would approve an agreement with J-U-B Engineers, Inc. in an amount not to exceed \$45,000.00 for the collection of traffic data at the intersections of Bangerter Highway and 2400 South and 2400 South and Links Drive.

Mr. Pyle stated the subject professional services contract would provide a conceptual design and cost estimate for construction of intersection modifications at 2400 South Bangerter Highway, SR-201 South Frontage Road/Bangerter Highway, SR-201 east bound on-ramp/Bangerter Highway and 2400 South/Links Drive.

The City Manager indicated the RDA staff had identified a grant available through the U.S. Department of Commerce for infrastructure improvements in economic development areas. He stated West Valley City was the only entity in the Salt Lake Valley qualified to apply for the grant. The referenced intersections had been identified as needing major improvements to accommodate existing as well as anticipated traffic growth in the area due to development.

Mr. Pyle stated J-U-B Engineers would identify what improvements would improve existing traffic congestion as well as serve future growth. He indicated they would provide a conceptual design for the improvements and a cost estimate that would be included in the grant application.

After discussion, Councilmember Coleman moved to approve Resolution No. 08-211, a Resolution Authorizing the City to enter into an Agreement with J-U-B Engineers, Inc. for the Collection of Traffic Data at the Intersections of Bangerter Highway and 2400 South and 2400 South and Links Drive. Councilmember Rushton seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Coleman	Yes
Mr. Rushton	Yes
Temporary Mayor Pro Tem Burt	Yes

Unanimous.

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RESOLUTION NO. 08-212, APPROVE A REIMBURSEMENT AGREEMENT WITH ZIONS SECURITIES CORPORATION FOR THE EXTENSION OF LAKE PARK BOULEVARD FROM CORPORATE PARK DRIVE TO 5400 WEST

City Manager, Wayne Pyle, presented proposed Resolution No. 08-212 which would approve a Reimbursement Agreement with Zions Securities Corporation in the amount of \$1,435,545.91 for extension of Lake Park Boulevard from Corporate Park Drive to 5400 West.

Mr. Pyle stated Zions Securities had extended Lake Park Boulevard between Corporate Park Drive and 5400 West to facilitate development of the Highbury property. He also stated Lake Park Boulevard would also function as an important arterial street in the City, and was included on the City's Capital Facilities Plan. He indicated that with the agreement, Zions Securities would agree to construct the road and bear the cost of improvements necessary to access the property. Zions would also pay for amenities to the project including water features, pedestrian bridges and enhanced landscaping. He reported the City would pay for all improvements necessary to widen Lake Park Boulevard to function as an arterial street.

The City Manager further reported the agreement was different from the City's standard impact fee reimbursement agreement. He indicated because this would be an important arterial street, the City would agree to reimburse Zions Securities on a defined payment schedule (Exhibit D of the Agreement), rather than an open-ended agreement contingent on the City collecting impact fees. He advised the initial payment of \$550,000.00 would come from Class C road funds. Future payments would be a combination of both Class C Road Funds and Road Impact Fees.

Mr. Pyle stated the opening of another east/west arterial in the City would be very beneficial, especially as reconstruction of 3500 South proceeded. He also stated Lake Park Boulevard was scheduled to open by August 1, 2008.

After discussion, Councilmember Vincent moved to approve Resolution No. 08-212, a Resolution Authorizing the City to enter into a Reimbursement Agreement with Zions Securities Corporation for the Extension of Lake Park Boulevard from Corporate Park Drive to 5400 West. Councilmember Coleman seconded the motion.

A roll call vote was taken:

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Mr. Vincent	Yes
Mr. Coleman	Yes
Mr. Rushton	Yes
Temporary Mayor Pro Tem Burt	Yes

Unanimous.

14149

RESOLUTION NO. 08-213, APPROVE A RIGHT-OF-WAY AGREEMENT WITH THE UTAH DEPARTMENT OF TRANSPORTATION AND EXECUTION OF A QUIT CLAIM DEED AND EASEMENT FOR MARK IV APARTMENTS PROPERTY IDENTIFIED AS PARCEL NUMBER 0171:62, 62:E

City Manager, Wayne Pyle, presented proposed Resolution No. 08-213 which would approve a Right-of-Way Agreement with the Utah Department of Transportation (UDOT) and execution of a Quit Claim Deed and Easement for Mark IV Apartments property identified as Parcel Number 0171:62, 62:E.

Mr. Pyle stated UDOT was widening 3500 South and needed to acquire a portion of City property as part of a UDOT project identified as SP-0171(18)6; 3500 South; Bangerter Highway to 2700 West, Phase II. He indicated UDOT had prepared the necessary right-of-way contract, quit claim deed and construction easement and had priced all exchanges at a rate acceptable to the City at \$13,350.00.

The City Manager reported the widening of 3500 South required additional property on either side of the road. He stated at Mark IV, 892 square feet was needed. He indicated UDOT recognized the value of these changes and proposed to pay the City for the property and easements. He further indicated staff had reviewed the figures and supported the amount stated for just compensation. UDOT would replace all necessary improvements to restore the property encumbered by the easement and the City would be responsible for maintenance thereafter.

After discussion, Councilmember Coleman moved to approve Resolution No. 08-213, a Resolution Authorizing the City to Execute a Right-of-Way Agreement with the Utah Department of Transportation and Execution of a Quit Claim Deed and Easement for Mark IV Apartments Property Identified as Parcel Number 0171:62, 62:E. Councilmember Vincent seconded the motion.

A roll call vote was taken:

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Mr. Vincent	Yes
Mr. Coleman	Yes
Mr. Rushton	Yes
Temporary Mayor Pro Tem Burt	Yes

Unanimous.

14150

RESOLUTION NO. 08-214, APPROVE A REAL ESTATE PURCHASE AGREEMENT WITH THE REDEVELOPMENT AGENCY OF WEST VALLEY CITY TO SELL THE MARK IV APARTMENTS IN WEST VALLEY CITY

City Manager, Wayne Pyle, presented proposed Resolution No. 08-214 which would approve a Real Estate Purchase Agreement with the Redevelopment Agency of West Valley City to sell the Mark IV Apartments in West Valley City.

Mr. Pyle stated the subject property was located in the center of the City Center Redevelopment Project Area and would play a key role in the renewal of the subject area. By owning the property, the Agency would have control over its use and development and would insure it was developed in accordance with the Agency and the City's vision for the City Center. He advised the City would loan the RDA funds to close on the property and then the RDA would issue bonds to repay the City.

The City Manager reminded the City Center Redevelopment Plan had been adopted by a Redevelopment Agency resolution in 2004 and had recently been updated. He stated this plan involved the urban renewal of the area that included the Valley Fair Mall and the property surrounding West Valley City Hall.

After discussion, Councilmember Coleman moved to approve Resolution No. 08-214, a Resolution Approving a Real Estate Purchase Agreement with the Redevelopment Agency of West Valley City to Sell the Mark IV Apartments in West Valley City. Councilmember Rushton seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Coleman	Yes
Mr. Rushton	Yes
Temporary Mayor Pro Tem Burt	Yes

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Unanimous.

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**APPLICATION NO. PUD-6-2007, FILED BY EDMISTON HOMES,
REQUESTING FINAL PLAT APPROVAL FOR CHESTERFIELD
COTTAGES LOCATED AT 1545 WEST 2320 SOUTH**

City Manager, Wayne Pyle, presented Application No. PUD-6-2007, filed by Edmiston Homes, requesting final plat approval for Chesterfield Cottages located at 1545 West 2320 South.

Mr. Pyle stated the development consisted of 22 units on 2.3 acres. He further stated the proposed housing would be comprised of townhome units with common, limited common, and private spaces. Each unit would have a two-car garage and private rear yard space. He indicated the minimum dwelling size for all units would be 1,700 square feet.

The City Manager reported access to the subdivision would be gained from 2320 South. He stated a stub street from the Center Pointe Hollow development to the west had been provided as well. This connection would allow secondary access should the Fire Department need it and would also provide connectivity from one neighborhood to the other. He stated after discussing this issue with both developers, they agreed leaving it open for the present time would be the appropriate thing to do. He indicated if in the future this access proved more problematic than beneficial, it could be closed.

Mr. Pyle stated although proposed housing units would not have basements, the developer had submitted a soils report. This report indicated ground water had been encountered at a depth of four feet. He stated proposed dwelling units would be slab on grade so water elevations should not be a problem.

The City Manager stated the development would be managed by a homeowner's association (HOA). He further stated staff understood the association would be responsible to maintain the private street, all yard spaces, and open space areas. He reported staff had expressed concern about past projects being turned over to an inexperienced association, or projects that were turned over to the association without all development items being completed. Although the development agreement did not address this issue, staff would recommend the developer, HOA, and staff meet before the project was transferred to the association to ensure all development items had been completed.

Mr. Pyle reported the developer proposed 40% of this site would be open space as required by ordinance. He stated, of that percentage, approximately 10,500 square

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feet would be used for recreational opportunities. The developer would construct various tot lots, pavilions, benches and a sports court. He explained formal plans for these improvements had been submitted.

The City Manager stated the developer would fence a portion of the east side with a vinyl fence. He indicated fencing along the west boundary would be installed by the Center Pointe Hollow developer. The remaining site had been fenced by the Red Oaks developer. He stated although fencing had not been included in the development agreement, the developer had agreed to match the existing fence of the Center Pointe Hollow PUD to include fencing between units.

Upon discussion, Councilmember Vincent stated the applicant, Nate Fotheringham, was in attendance at the meeting and could answer questions, if any.

Nate Fotheringham addressed the City Council. Mr. Fotheringham discussed two issues in the background information previously distributed to members of the City Council. He also discussed access and preference of having a crash gate between two properties and then later the homeowner's association could combine, if desired. He stated the second item regarded the landscape plan and their commitment to meeting the City's requirements. He expressed hesitancy to go beyond that due to the current housing market conditions and to have a sellable project. He indicated they wanted to double check that amenities listed were required and, if not, they only wanted to do the minimum.

City Manager, Wayne Pyle, reviewed and read aloud stipulations regarding the subject Application approved by the Planning Commission. Mr. Pyle inquired of specifics the developer committed that Mr. Fotheringham did not want to do now.

Mr. Fotheringham expressed willingness to do the pavilion and playground, but only if required by ordinance.

City Manager, Wayne Pyle, inquired of staff regarding Planning Commission's stipulations and ordinance requirements.

Nicole Cottle, Acting City Attorney, addressed the City Council and clarified the subject application did not have a development agreement as it had been given conditional use approval by the Planning Commission. Ms. Cottle advised the Council did not have the authority to waive the conditional use requirements. She also advised the conditional use ran with the property even though ownership had changed.

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City Manager, Wayne Pyle, advised and clarified the proposed action was consideration of approval of the final plat. Acting City Attorney, Nicole Cottle, also clarified this was a review of the final plat and the Council approval was an administrative function. She indicated the applicant could apply to the Planning Commission with another request to amend conditions of the conditional use.

Councilmember Coleman suggested the Council consider continuing the matter to allow time for the applicant to meet with City staff to discuss the issues of a gate and landscaping. The applicant, Mr. Fotheringham, advised he desired to meet with developers and City staff to decide whether to move forward with the conditions or go back through the conditional use process.

After further discussion, Councilmember Coleman moved to Continue Application No. PUD-6-2007 to the Regular Council Meeting scheduled August 12, 2008, at 6:30 P.M. Councilmember Rushton seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Coleman	Yes
Mr. Rushton	Yes
Temporary Mayor Pro Tem Burt	Yes

Unanimous.

Application No. PUD-6-2007 Continued to Regular Council Meeting of August 12, 2008.

14152

CONSENT AGENDA:

A. RESOLUTION NO. 08-207, ACCEPT GRANT OF TEMPORARY CONSTRUCTION EASEMENT FROM KJB PROPERTY C, LLC, FOR PROPERTY LOCATED AT 3837 SOUTH 3600 WEST, 3600 WEST RECONSTRUCTION PHASE 2 PROJECT

City Manager, Wayne Pyle, presented proposed Resolution No. 08-207 which would accept a Grant of Temporary Construction Easement from KJB Property C, LLC, for property located at 3837 South 3600 West regarding 3600 West Reconstruction Phase 2 Project.

Mr. Pyle stated the subject parcel was one of the properties affected by construction of 3600 West from 3500 South to 4100 South. He reported

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compensation for the construction easement would be in the amount of \$200.00, which easement would automatically expire December 31, 2008.

B. RESOLUTION NO. 08-208, ACCEPT GRANT OF EASEMENT FROM G & N WOOD PROPERTIES, L.L.C. FOR PROPERTY LOCATED WEST OF STATE ROAD 111 ON 6600 SOUTH

City Manager, Wayne Pyle, presented proposed Resolution No. 08-208 which would accept a Grant of Easement from G & N Wood Properties, L.L.C., for property located west of State Road 111 on 6600 South.

Mr. Pyle stated G & N Wood Properties, L.L.C. had signed the Grant of Easement for public right-of-way for 6600 South over a portion of its property.

The City Manager explained the recorded plat for Sunset Hills PUD Phase 1 dedicated the north half of 6600 South as a 40 foot half width, north of the quarter section line (the City boundary). He stated the quarter section line was intended to be the center line of 6600 South with 17.5 feet of pavement. He indicated after most of the streets in the subdivision, including 6600 South, had been constructed, a rotation error was discovered in the construction surveying. This rotation caused the constructed part of the pavement to be constructed south of the City boundary and the quarter section line. In order to correct the problem, it had been determined an amended plat would be required to make the platted lots and streets match the constructed improvements on the ground. He indicated the proposed plat was entitled Sunset Hills PUD Phase 1 Amended. He stated because part of the 6600 South road improvements had been constructed on property not owned by the developer, and outside of the City, it was determined an easement in favor of the City would be required for those portions of 6600 South. He indicated the developer had acquired the required easements from the affected property owners. He stated these easements would remain in effect until the remaining portion of 6600 South was dedicated to Salt Lake County and constructed to the full 80 foot right-of-way width.

C. RESOLUTION NO. 08-209, ACCEPT GRANT OF EASEMENT FROM ELVA RUPP RUSHTON PROPERTIES, LLC, HIGH POINT PROPERTIES, LLC, FLOYD AND NORMA RUSHTON PROPERTIES, LLC, RBS REVOCABLE TRUST, KSO REVOCABLE TRUST, AND OQUIRRH REAL ESTATE

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INVESTMENTS, LLC, FOR PROPERTY LOCATED WEST OF STATE ROAD 111 ON 6600 SOUTH

City Manager, Wayne Pyle, presented proposed Resolution No. 08-209 which would accept a Grant of Easement from Elva Rupp Rushton Properties, LLC, High Point Properties, LLC, Floyd and Norma Rushton Properties, LLC, RBS Revocable Trust, KSO Revocable Trust, and Oquirrh Real Estate Investments, LLC, for property located west of State Road 111 on 6600 South.

Mr. Pyle stated the Grant of Easement for public right-of-way had been signed by all parties.

The City Manager reported the recorded plat for Sunset Hills PUD Phase 1 dedicated the north half of 6600 South as a 40 foot half width, north of the quarter section line which was the City boundary. The quarter section line was intended to be the center line of 6600 South with 17.5 feet of pavement. After most of the streets in the subdivision, including 6600 South, had been constructed a rotation error had been discovered in the construction surveying. This rotation caused the constructed part of the pavement to be constructed south of the City boundary and the quarter section line (1.63 feet on the west end and 1.88 feet on the east end). In order to correct the problem it had been determined an amended plat would be required to make the platted lots and streets match the constructed improvements on the ground. This proposed plat was entitled Sunset Hills PUD Phase 1 Amended. As part of the 6600 South road improvements constructed on property not owned by the developer, and outside the City, it was determined an easement in favor of the City would be required for those portions of 6600 South. The developer had acquired the required easements from the affected property owners. He stated these easements would remain in effect until the remaining portion of 6600 South was dedicated to Salt Lake County and constructed to the full 80 foot right-of-way width.

After discussion, Councilmember Coleman moved to approve Resolution Nos. 08-207, 08-208, and 08-209 as presented on the Consent Agenda. Councilmember Vincent seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Coleman	Yes

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Mr. Rushton	Yes
Temporary Mayor Pro Tem Burt	Yes

Unanimous.

THERE BEING NO FURTHER BUSINESS OF THE WEST VALLEY CITY COUNCIL, THE REGULAR MEETING OF TUESDAY, JULY 22, 2008, WAS ADJOURNED AT 6:56 P.M., BY TEMPORARY MAYOR PRO TEM BURT.

I hereby certify that the foregoing to be a true, accurate and complete record of the proceedings of the Regular Meeting of the West Valley City Council held Tuesday, July 22, 2008.

Sheri McKendrick, MMC
City Recorder

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